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Walmart Inc. and Jetson Electric Bikes, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

STEPHANIE WADSWORTH)	
Individually and as Parent and Legal Guardian)	Case No. 2:23-cv-00118-NDF
of W.W., K.W., G.W., and L.W., minor children)	
and MATTHEW WADSWORTH,)	PLAINTIFFS AND DEFENDANTS
Plaintiffs,)	PROPOSED STIPULATIONS OF
)	FACTS
v.)	
)	PACKET 1: UNDISPUTED FACTS
WALMART, INC. and)	
JETSON ELECTRIC BIKES, LLC,)	
Defendants.)	

Plaintiffs and Defendants, by and through their respective attorneys, hereby submit their joint proposed stipulation of undisputed facts:

No.	Undisputed Fact	Source / Citation
1	This case involves a February 1, 2022 residential fire at the Wadsworth residence in Sweetwater County, Wyoming.	Doc. No. 1, ¶¶3-8, 33
2	Plaintiffs, Stephanie and Matthew Wadsworth, are the natural parents of minor Plaintiffs, K.W., G.W., W.W. and L.W.	Doc No. 1, ¶¶5-8
3	Defendant, Walmart Inc. (“Walmart”) is a Delaware corporation.	Doc. No. 1, ¶9 Doc. No. 23, ¶9
4	Walmart has a retail location at 201 Gateway Blvd, Rock Springs, Wyoming.	Doc. No. 1, ¶26 Doc. No. 23, ¶26
5	Plaintiffs purchased a Jetson Plasma hoverboard from Walmart’s Rock Spring retail store in December 2021.	Doc. No. 1, ¶31
6	Defendant, Jetson Electric Bikes, LLC (“Jetson”) is a New York limited liability company.	Doc. No. 1, ¶12 Doc. No. 18, ¶12
7	Jetson’s principal place of business is 86 34 th Street, 4 th Floor, Brooklyn, New York 11232.	Doc. No. 1, ¶12 Doc. No. 18, ¶12
8	Jetson is a non-manufacturing distributor of personal e-mobility devices, including hoverboards.	Doc. No. 18, ¶13
9	Jetson sold or distributed the subject Plasma hoverboard to Walmart.	Doc. No. 18, ¶¶14-15
10	Plaintiffs contend that the fire started at a Jetson Plasma hoverboard located near the bedroom door for G.W. and L.W.’s bedroom.	Doc. No. 1, ¶33-34
11	Plaintiffs’ expert, Michael Schulz, provided an accurate diagram of G.W. and L.W.’s bedroom in his report dated July 15, 2024. The diagram is depicted below.	Doc. No. 73-2, Schulz Report, pg. 77
12	G.W. and L.W. were in their bunk bed sleeping when the fire occurred.	G.W. Deposition 17:3-10
13	A shed was located just outside G.W. and L.W.’s bedroom window.	S. Wadsworth Deposition 68:20-22, 71:7-9

		M. Wadsworth Deposition 114:11-17
14	Mr. and Mrs. Wadsworth used the shed during the winter months to provide protection from the cold and wind while smoking.	S. Wadsworth Deposition 68:20-22, 71:7-9 M. Wadsworth Deposition 114:11-17
15	Defense experts concluded that the fire originated at the shed.	Doc. No. 80-1, Filas Report, pg. 3 Doc. No. 80-10, Strandjord Report, pg. 25
16	Defense experts concluded that the fire spread from the shed to the Wadsworth home.	Doc. No. 80-1, Filas Report, pg. 3 Doc. No. 80-10, Strandjord Report, pg. 25
17	Plaintiffs allege negligence, strict liability and breach of warranty claims against Defendants.	Doc. No. 1, ¶¶11-65
18	Plaintiffs generally allege that the Plasma hoverboard was “unreasonably dangerous”, that Defendants breached their “duty to properly and adequately inspect, test, label, provide adequate warnings for, package, distribute, and/or sell the subject hoverboard.”	Doc. No. 1, ¶¶2-54, 82-84
19	Defendants deny the hoverboard was dangerous.	Doc. No. 18, ¶¶52-54, 82-84 (generally pages 8-72)
20	Defendants deny they breached any alleged duty.	Doc. No. 18, ¶¶52-54, 82-84 (generally pages 8-72)
21	Plaintiffs allege the Plasma hoverboard “was not properly and adequately designed, manufactured, inspected, tested, labeled, packaged, distributed, sold, or had adequate warnings” and, therefore, are strictly liable.	Doc. No 1, ¶¶62, 93, 123, 154, 184, 215, 245, 276, 306, 337
22	Defendants deny they are strictly liable for the injuries alleged by Plaintiffs.	Doc. No. 18, ¶¶62, 93, 123, 154, 184, 215, 245, 276, 306, 337
23	Plaintiffs’ expert, Derek King, opined that two battery cells failed at substantially the same time due to an internal short circuit within both cells.	Doc. No. 73-3, King Report, pg. 13 King Deposition 190:12-191:9
24	King opined that the failure that occurred at substantially the same time was the cause of the fire.	Doc. No. 73-3, King Report, pg. 13 King Deposition 190:12-191:9
25	Schulz opined that the fire originated inside Bedroom #4, in an area that included the location of the hoverboard.	Doc. No. 73-2, Schulz Report, pgs. 74-78 Schulz Deposition 179:19-181:25; 183:8-12
26	Sweetwater County Sheriff’s Office, Detective Jeff Sheaman, and Green River Fire Department Assistant Chief, Bill Robinson, also investigated the fire.	Sheaman Deposition 36:5-10 Robinson Deposition 60:25-61:20
27	Sheaman obtained college degrees in fire science and suppression; served as a firefighter for 6 or 7 years; served in law enforcement for 19 years; and, is an Origin and Cause	Sheaman Deposition 10:25-14:17

	investigator, certified and recertified as such by the State of Wyoming, since 2010.	
28	Sheaman and Robinson are not professional engineers, electrical engineers, or battery experts.	Sheaman Deposition 7:7-9:6; 18:21-19:7 Robinson Deposition 6:9-12; 8:20-23

McCOY LEAVITT LASKEY LLC

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By: 

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